

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-12 were objected to for informalities in claims 1, 8 and 12. Claims 1 and 12 have been amended to obviate the objection. Claim 8 is canceled by amendment herein.

Claims 1, 2, 7, 8 and 10-12 were rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,879,100 to Winkler. Claim 1 has been amended for clarification. Claim 8 has been canceled. For the following reasons, the rejection has been rendered moot by the present amendment.

Regarding claim 1, Winkler does not teach that a “check element (8) is a control push button (8) projecting from said body (3), said push button being *fixed against rotation* relative to the tightening member (4), said push button (8) incorporating a seat (9) accessible from its operating surface (10) for engagement by a mounting/removal tool,” as required. Thus, claim 1 requires that the pushbutton (8) containing the seat (9) does not rotate relative to the tightening member (4). As taught by Winkler, a screw (12) is threaded into a fastening element (15). Thus, unlike the invention of claim 1, the screw (12) is capable of rotating relative to the fastening element (15). Although, once fully tightened, the screw will not rotate in a fastening (e.g. clockwise) direction, applying appropriate torque to the screw (12) in an unfastening (e.g. counter-clockwise) direction will cause the screw (12) to rotate relative to the fastening element (15) and eventually become unscrewed therefrom. Thus, the screw (12) of Winkler does not meet the limitations of the “pushbutton being fixed against rotation” as set forth in claim 1. Since every limitation of amended claim 1 is not taught by Winkler, the rejection has been

overcome.

Claims 3 and 4 were rejected under 35 U.S.C. 103(a) over Winkler. For the following reasons, the rejection has been rendered moot by the amendment of claim 1.

As explained above with regard to claim 1, from which claims 3 and 4 depend, Winkler does not teach that a “check element (8) is a control push button (8) projecting from said body (3), said push button being *fixed against rotation* relative to the tightening member (4), said push button (8) incorporating a seat (9) accessible from its operating surface (10) for engagement by a mounting/removal tool,” as required. Further there is nothing in Winkler that suggests modifying the teachings of Winkler to meet these limitations, such that the screw (12) is fixed against rotation relative to the fastening element (15). Since every limitation of amended claim 1 is not taught or suggested by the reference, dependent claims 3 and 4 are patentable over Winkler.

Claims 5 and 9 were rejected under 35 U.S.C. 103(a) over Winkler in view of U.S. Patent No.5,839,388 to Vadney. For the following reasons, the rejection has been rendered moot by the amendment of claim 1.

For the reasons explained above with regard to claims 1, 3 and 4, Winkler does not teach or suggest every limitation of claim 1, from which claims 5 and 9 depend. Likewise, Vadney does not teach or suggest the limitations of which Winkler is deficient. Vadney describes a fastener (31) having a driving tool-receiving configuration (40). The fastener (31) is used to secure a clip. There is no teaching or suggestion in Vadney to fix the fastener (31) against rotation relative to any member, as in claim 1. Since every limitation of amended claim 1 is not taught or suggested by the references, dependent claims 5 and 9 are patentable over Winkler, Vadney, and/or any combination thereof.

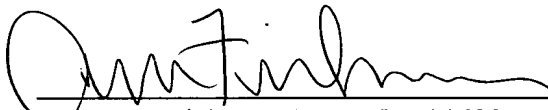
Appl. No. 10/666,747
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Reply to Office action of March 4, 2005

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 36132.

Respectfully submitted,

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